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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,023	11/28/2001	Tomas Eriksson	12373	3004
7590		04/08/2004	EXAMINER	
Dvorak & Orum		SAOUD, CHRISTINE J		
53 West Jackson Boulevard		ART UNIT		
Chicago, IL 60604-3606		PAPER NUMBER		

1647

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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040504

DATE MAILED:

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Commissioner for Patents

Newly submitted claims 2-3 and 5-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: they are directed to a completely different method than the original claims. Original claim 1 was "Use of a composition comprising at least one substance within the group GnRH analogues for producing a pharmaceutical agent for the diagnosis of OCD (obsessive-compulsive disorder)." The language of "for the diagnosis of OCD" is intended use for the composition which is being produced. The relevant language of the claim is "[u]se of a composition for producing a pharmaceutical agent ...". Applicant argues that the "Examiner has misinterpreted the claims". This argument is not persuasive, and the newly presented claims do not read on the original invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-3 and 5-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

The reply filed on 18 March 2004 is not fully responsive to the prior Office Action because: because there are no claims directed to the originally presented (and elected) invention (see explanation above) Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

**CHRISTINE J. SAOUD
PRIMARY EXAMINER**

Christine J. Saoud

Art Unit: 1647

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The examiner can normally be reached on mttr, 8:00-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz can be reached on 571-272-0887. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud